

APPENDIX II

DIGEST OF STATE CESSION STATUTES

The following is not intended as a complete digest of State cession statutes. The information furnished is presented primarily to aid in locating the applicable State law. In every instance where an issue of jurisdiction is involved the statutes of the State concerned should be examined carefully to ascertain the latest expression of the State legislature applicable to the land involved.

Only those statutes of general application are discussed which it is believed might be involved in jurisdictional problems most frequently arising. In many instances, jurisdiction over a particular area has been relinquished by a special State statute applicable only to that area. Other statutes are applicable only to lands acquired for a single specific use. Such special enactments are not considered in this digest. Reference is made to many statutes which have been repealed or superseded. This is because jurisdiction originally may have been acquired pursuant to such statutes, notwithstanding they are no longer in force and effect.

ALABAMA

The act of the Legislature of Alabama approved December 7, 1866 (Alabama Laws, 1866-67, p. 148) authorized the acquisition of lands for forts, arsenals, dockyards and other needful buildings; it provided that upon application, the Governor of the State may cede to the United States jurisdiction over such lands, and reserved the right to serve state process, both civil and criminal within ceded areas. It also expressly provided that the jurisdiction ceded shall not prevent the laws of the State from operating within said lands.

The provisions of the foregoing act, with the exception of the last mentioned provision purporting to continue the operation of State laws within ceded areas, appear substantially in Title 59 of the Code of Alabama, 1940, which was adopted by the Legislature of Alabama on July 2, 1940. Section 19 of that Title provides that with respect to lands thereafter acquired the State reserves the right to tax persons, corporations, etc., residing within such areas.

ALABAMA CASES: *Pound v. Gaulding*, 237 Ala. 387, 187 So. 468; *Webb v. J. G. White Engineering Corporation*, 204 Ala. 429, 85 So. 729; *O'Pry Heating Co. v. State*, 241 Ala. 507, 3 So. (2) 316; *Brooke v. State*, 155 Ala. 78, 46 So. 491; *State v. Blair*, 238 Ala. 377, 191 So. 237.

ARIZONA

By Sections 1, 2 and 3 of the act of the Legislature of Arizona, approved May 8, 1912 (Laws of 1912, page 428) as reenacted by the act of April 29, 1913 (Laws of 1913, Chapter 17) consent was given to the acquisition by the United States of lands "by purchase, condemnation or otherwise * * * for sites for custom houses, court houses, post offices, arsenals or other public buildings or for any other purposes of the government," and jurisdiction was expressly ceded over lands acquired for such purposes, reserving to the State the right to serve civil and criminal process within such ceded areas. The act of April 29, 1913, contained an additional provision expressly ceding jurisdiction to the United States over certain military reservations therein mentioned.

The provisions of the foregoing statutes were carried into the Arizona Code of 1913 as Sections 4633 to 4635, inclusive. However, those provisions were omitted from the Code of 1928 and the Code of 1939. There are no existing cession statutes of the State as the Code of 1928 set up a new Code of laws.

ARIZONA CASE: *Hunt v. United States*, 278 U. S. 96; 18 Atty. Gen. 138.

ARKANSAS

The act of the General Assembly of Arkansas approved April 29, 1903 (Acts of Arkansas, 1903, page 346) "consents to the purchase to be made or